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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/196,338	11/19/1998	SEAN HANDEL	AC980010	9014

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EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/196,338

Applicant(s)

HANDEL ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10, 11, 20, 22 and 24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 10, 11, 20, 22, 24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 10, 11, 20, 22, 24 have been examined.

Response to Amendment

2. The Amendment filed on 8/4/04 is insufficient to overcome the Bergh and Sumita reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10, 11, 20, 22, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergh (6,112,186) in view of Sumita (5,907,836).

Bergh teaches a method and corresponding apparatus for reporting rating information comprising: providing a database of user profiles (see at least col.3, lines 25-65); wherein a first subset of users have each submitted product/service rating data stored in the user profile (see at least col. 3, lines 45-67, col. 4, lines 15-20); receiving a request for rating information (see at least col. 6, lines 30-45, col. 14, lines 1-65, col. 33, lines 65-67); identifying a first set of user profiles of users from the first subset of users which have previously submitted rating data for the desired product/service (col. 6, lines 30-40, 50-60, col. 8, lines 20-30, col. 10, lines 10-15, col. 12, lines 20-25); mapping the personal information data in the first set of profiles along multiple dimensions to the requesting user profile (col. 8, line 40 – col. 9, line 67, col. 19, lines 40-67);

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filtering the first set of profiles to create a second set of a predetermined number of profiles which most closely map to the requesting user profile (col. 10, lines 35-45); determining whether the second set of profiles is sufficiently similar to the user profile to satisfy predetermined conformity requirements (col. 10, lines 45 – col. 11, line 65) . Bergh also teaches repeating filtering and determining if the second set of user profiles are not determined to be sufficiently similar, creating a set of rating information and reporting the rating information (col. 10, lines 40-50, col. 11, lines 5-15, col. 16, lines 25-60).

Sumita teaches repeating the filtering and determining steps when the results are not sufficiently similar (col. 56, lines 1-10, 50-55).

It would have been obvious to have repeated the filtering and determining steps in Bergh as in Sumita in order to generate enough ratings for the predetermined number of rating results of Bergh.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 10, 11, 20, 22, 24 have been considered but are not found persuasive.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

Examiner notes a 35 USC 103(a) rejection was made and that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

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Additionally, Examiner notes that because Bergh discloses one set of features that does not exclude Bergh from disclosing a different set of features in another part of Bergh's disclosure.

For example, on page 9 of the Applicant's Amendment, dated 8/4/04, Applicant states, "*Bergh* teaches recommending product to the user without a request." However, Bergh also teaches recommending items to user upon request,

"The user 44 can request the system to make artist recommendations at any time, and the system allows the user 44 to tailor their request based on a number of different factors" (col 27, lines 17-20).

Additionally, when Bergh discloses a set of features that includes features A and/or B, then features A, B, A and B are all also disclosed.

On page 9 of the Applicant's Amendment dated 8/4/04, Applicant states, "the profiles collected in those steps are not used to create and report a set of rating information to the requesting user about the product or service of interest as claimed".

However, Bergh discloses these claimed features. Bergh discloses that,

"By way of example, a new user 44 accesses the system via the World Wide Web. The system displays a welcome page, which allows the user 44 to create an alias to use when accessing the system" (col 26, lines 55-62), and,

"If the alias supplied by the user is not already in use, then the node verifies whatever demographic data the user supplied (step 708). In embodiments where the user is not prompted to supply any demographic data, this step may be skipped" (col 11, lines 5-15), and,

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“The user 44 can request the system to make artist recommendations at any time, and the system allows the user 44 to tailor their request based on a number of different factors” (col 27, lines 17-20).

Therefore, Bergh discloses that a user can be a new user, that the user demographic data may or may not be requested, and that the user can request artist recommendations at any time. Since Bergh’s user can request artist recommendations at any time, Bergh’s user can request item recommendations before or regardless of if the user has provided demographic information or item rating information.

Additionally, Bergh discloses that item rating information can be retrieved,

“Profiles for each item that has been rated by at least one user may also be stored in memory. Each item profile records how particular users have rated this particular item” (col 5, lines 1-3).

On page 7 of the Applicant’s Amendment dated 8/4/04, Applicant states, “The references fail to teach or suggest two distinct steps: identifying a first set of user profiles and filtering the first set of user profiles”.

However, Bergh discloses 1) identifying a first set of users who *previously* rated a product/service,

“Profiles for each item that has been rated by at least one user may also be stored in memory. Each item profile records how particular users have rated this particular item. Any data construct that associates ratings (10) given to the item with the user assigning the rating can be used. It is preferred is to provide item profiles as a sparse vector of n-tuples. Each n-tuple contains at least an identifier representing a particular user and an identifier representing

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the rating that user gave to the item, and it may contain other information, as described above in connection with user profiles. As with user profiles, item profiles may also be stored as an array of pointers. Item profiles may be created when the first rating is given to an item or when the item is first entered into the system. Alternatively, item profiles may be generated from the user profiles stored in memory, by determining, for each user, if that user has rated the item and, if so, storing the rating and user information in the item's profile. . . For example, referring to FIG. 2, item profile data and user profile data may be stored as a matrix of values which provides user profile data when read "across," i.e. when rows of the matrix are accessed, and provides item profile data when read "down," i.e. when columns of the matrix are accessed. A data construct of this sort could be provided by storing a set of user n-tuples and a set of item n-tuples. In order to read a row of the matrix a specific user n-tuple is accessed and in order to read a column of the matrix a specific item n-tuple is selected" (col 5, lines 1-30).

Further, note from this passage, "Alternatively, item profiles may be generated from the user profiles stored in memory, by determining, for each user, if that user has rated the item and, if so, storing the rating and user information in the item's profile" (col 5, lines 13-17) and also from Figure 2 (Fig. 2), that each item profile contains a set of user profiles who have rated that item.

Additionally, Bergh discloses 2) filtering that first set of user profiles to create a second set of user profiles,

"The data object includes an interface for searching the physical memory. The interface accepts one or more criterion for screening data retrieved from the underlying physical memory.

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For example, the system may instruct the data object to retrieve all profiles having ratings for a particular item in excess of '5'" (col 6, lines 33-39).

Hence, Bergh discloses that users rate products or services, that there is as set of users consisting of the set of users who have rated a certain product, and that this set of users who has rated a certain product can be further filtered by taking only the users with a product ranking greater than a certain rank.

Additionally, Bergh also discloses that a predetermined number of users in a set can be returned based upon different criteria,

"The threshold value, L, can be set to any value which improves the predictive capability of the method. In general, the value of L will change depending on the method used to calculate the similarity factors, the item domain, and the size of the number of ratings that have been entered. In another embodiment, a predetermined number of users are selected from the users having a similarity factor better than L, e.g. the top twenty-five users" (col 10, lines 34-43).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

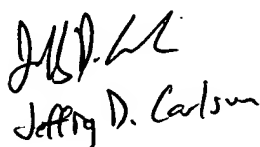
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/28/04



Jeffrey D. Carlson